THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.22951 OF 2007

Date: 19.11.2007

Between:

Smt. Bezawada Lakshmi … Petitioner

And

The Station House Officer,
Kavali, Nellore District
and others. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Representation dated 24.10.2007 sent by one Smt. Bezawada Lakshmi Wife of Shekar to the Hon'ble the Chief Justice of this Court alleging that her husband was illegally taken away by Chirala Police on 22.10.2007 at 10.45 p.m. and his whereabouts are not known and, therefore, she apprehends danger to his life was taken up as a writ of habeas corpus.

In response to the rule nisi, the Sub-Inspector of Police, Kavali I town Police Station filed a counter stating that the alleged detenu is an accused person in Cr.No.275 of 2007 registered

for the offence under section 379 IPC of Ongole I Town Police Station on the basis of a complaint lodged by one V. Srinivasarao of Ongole Town complaining that an unknown person committed theft of his Bajaj CT 100 Motor Cycle bearing No.AP 27 T/R 7242. It is further averred that during the course of investigation, on 27.10.2007 the alleged detenu was arrested by I Town Police, Ongole and was produced before the II Additional Munsif Magistrate, Ongole on 28.10.2007 and on such production the learned Magistrate remanded him to judicial custody on the same day and subsequently he was enlarged on bail by the Magistrate on 5.11.2007. It is further alleged that the alleged detenu is also involved in another Crime No.177 of 2006 for the offence punishable under section 379 IPC of Chirala I Town Police case and the case is pending trial.

In view of the averments made in the counter affidavit that the alleged detenu was arrested in connection with a crime registered against him and was produced before the jurisdictional Magistrate and was remanded to judicial custody by a lawful order passed by the Magistrate, there is no truth in the complaint of the of the petitioner that the alleged detenu was illegally detained by the police. Further, the alleged detenu was subsequently released on bail. Therefore, there is no merit in the petition, which is accordingly dismissed.

_____

A. GOPAL REDDY, J

_____

19th November, 2007 **NOOTY RAMAMOHANA RAO, J**

vtv